

116TH CONGRESS
2D SESSION

S. _____

To provide for the recognition of certain Alaska Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To provide for the recognition of certain Alaska Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unrecognized South-

5 east Alaska Native Communities Recognition and Com-

6 pensation Act”.

7 **SEC. 2. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

1 (1) in 1971, Congress enacted the Alaska Na-
2 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
3 (referred to in this subsection as the “Act”) to rec-
4 ognize and settle the aboriginal claims of Alaska Na-
5 tives to the land Alaska Natives had used for tradi-
6 tional purposes;

7 (2) the Act awarded approximately
8 \$1,000,000,000 and 44,000,000 acres of land to
9 Alaska Natives and provided for the establishment
10 of Native Corporations to receive and manage the
11 funds and land;

12 (3) pursuant to the Act, Alaska Natives have
13 been enrolled in 1 of 13 Regional Corporations;

14 (4) most Alaska Natives reside in communities
15 that are eligible under the Act to form a Village Cor-
16 poration or Urban Corporation within the geo-
17 graphical area of a Regional Corporation;

18 (5) Village Corporations and Urban Corpora-
19 tions established under the Act received cash and
20 surface rights to the settlement land described in
21 paragraph (2) and the corresponding Regional Cor-
22 poration received cash and land that includes the
23 subsurface rights to the land of the Village Corpora-
24 tion or Urban Corporation;

1 (6) the southeastern Alaska communities of
2 Haines, Ketchikan, Petersburg, Tenakee, and
3 Wrangell are not listed under the Act as commu-
4 nities eligible to form Village Corporations or Urban
5 Corporations, even though the population of those
6 communities comprises greater than 20 percent of
7 the shareholders of the Regional Corporation for
8 Southeast Alaska and displays historic, cultural, and
9 traditional qualities of Alaska Natives;

10 (7) the communities described in paragraph (6)
11 have sought full eligibility for land and benefits
12 under the Act for more than 4 decades;

13 (8) in 1993, Congress directed the Secretary of
14 the Interior to prepare a report examining the rea-
15 sons why the communities described in paragraph
16 (6) had been denied eligibility to form Village Cor-
17 porations or Urban Corporations and receive land
18 and benefits pursuant to the Act;

19 (9) the report described in paragraph (8), pub-
20 lished in February 1994, indicates that—

21 (A) the communities described in para-
22 graph (6) do not differ significantly from the
23 Alaska communities that were permitted to
24 form Village Corporations or Urban Corpora-
25 tions under the Act;

1 (B) the communities described in para-
2 graph (6) are similar to other communities that
3 are eligible to form Village Corporations or
4 Urban Corporations under the Act and receive
5 land and benefits under the Act—

6 (i) in historical number and percent-
7 age of Alaska Native population; and

8 (ii) with respect to the historic use
9 and occupation of land;

10 (C) each community described in para-
11 graph (6) was involved in advocating the settle-
12 ment of the aboriginal claims of the community;
13 and

14 (D) some of the communities described in
15 paragraph (6) appeared on early versions of
16 lists of Native Villages prepared before the date
17 of enactment of the Act, but were not included
18 as Native Villages under the Act;

19 (10) the omissions described in paragraph (9)
20 are not clearly explained in any provision of the Act
21 or the legislative history of the Act; and

22 (11) on the basis of the findings described in
23 paragraphs (1) through (10), Alaska Natives who
24 were enrolled in the communities described in para-
25 graph (6) and the heirs of those Alaska Natives have

1 been inadvertently and wrongly denied the cultural
2 and economic benefits of enrollment in Village Cor-
3 porations or Urban Corporations established pursu-
4 ant to the Act.

5 (b) PURPOSE.—The purpose of this Act is to redress
6 the omission of the communities described in subsection
7 (a)(6) from eligibility by authorizing the Alaska Natives
8 enrolled in the communities—

9 (1) to form Urban Corporations for the commu-
10 nities of Haines, Ketchikan, Petersburg, Tenakee,
11 and Wrangell under the Alaska Native Claims Set-
12 tlement Act (43 U.S.C. 1601 et seq.); and

13 (2) to receive certain settlement land pursuant
14 to that Act.

15 **SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE COR-**
16 **PORATIONS.**

17 Section 16 of the Alaska Native Claims Settlement
18 Act (43 U.S.C. 1615) is amended by adding at the end
19 the following:

20 “(e) NATIVE VILLAGES OF HAINES, KETCHIKAN, PE-
21 TERSBERG, TENAKEE, AND WRANGELL, ALASKA.—

22 “(1) IN GENERAL.—The Native residents of
23 each of the Native Villages of Haines, Ketchikan,
24 Petersburg, Tenakee, and Wrangell, Alaska, may or-
25 ganize as Urban Corporations.

1 “(2) EFFECT ON ENTITLEMENT TO LAND.—
2 Nothing in this subsection affects any entitlement to
3 land of any Native Corporation established before
4 the date of enactment of this subsection pursuant to
5 this Act or any other provision of law.”.

6 **SEC. 4. SHAREHOLDER ELIGIBILITY.**

7 Section 8 of the Alaska Native Claims Settlement Act
8 (43 U.S.C. 1607) is amended by adding at the end the
9 following:

10 “(d) NATIVE VILLAGES OF HAINES, KETCHIKAN,
11 PETERSBURG, TENAKEE, AND WRANGELL.—

12 “(1) IN GENERAL.—The Secretary shall enroll
13 to each of the Urban Corporations for Haines,
14 Ketchikan, Petersburg, Tenakee, or Wrangell those
15 individual Natives who enrolled under this Act to the
16 Native Villages of Haines, Ketchikan, Petersburg,
17 Tenakee, or Wrangell, respectively.

18 “(2) NUMBER OF SHARES.—Each Native who
19 is enrolled to an Urban Corporation for Haines,
20 Ketchikan, Petersburg, Tenakee, or Wrangell pursu-
21 ant to paragraph (1) and who was enrolled as a
22 shareholder of the Regional Corporation for South-
23 east Alaska on or before March 30, 1973, shall re-
24 ceive 100 shares of Settlement Common Stock in the
25 respective Urban Corporation.

1 “(3) NATIVES RECEIVING SHARES THROUGH IN-
2 HERITANCE.—If a Native received shares of stock in
3 the Regional Corporation for Southeast Alaska
4 through inheritance from a decedent Native who
5 originally enrolled to the Native Village of Haines,
6 Ketchikan, Petersburg, Tenakee, or Wrangell and
7 the decedent Native was not a shareholder in a Vil-
8 lage Corporation or Urban Corporation, the Native
9 shall receive the identical number of shares of Settle-
10 ment Common Stock in the Urban Corporation for
11 Haines, Ketchikan, Petersburg, Tenakee, or
12 Wrangell as the number of shares inherited by that
13 Native from the decedent Native who would have
14 been eligible to be enrolled to the respective Urban
15 Corporation.

16 “(4) EFFECT ON ENTITLEMENT TO LAND.—
17 Nothing in this subsection affects entitlement to
18 land of any Regional Corporation pursuant to sec-
19 tion 12(b) or 14(h)(8).”.

20 **SEC. 5. DISTRIBUTION RIGHTS.**

21 Section 7 of the Alaska Native Claims Settlement Act
22 (43 U.S.C. 1606) is amended—

23 (1) in subsection (j)—

24 (A) in the third sentence, by striking “In
25 the case” and inserting the following:

1 “(3) THIRTEENTH REGIONAL CORPORATION.—
2 In the case”;

3 (B) in the second sentence, by striking
4 “Not less” and inserting the following:

5 “(2) MINIMUM ALLOCATION.—Not less”;

6 (C) by striking “(j) During” and inserting
7 the following:

8 “(j) DISTRIBUTION OF CORPORATE FUNDS AND
9 OTHER NET INCOME.—

10 “(1) IN GENERAL.—During”; and

11 (D) by adding at the end the following:

12 “(4) NATIVE VILLAGES OF HAINES, KETCH-
13 IKAN, PETERSBURG, TENAKEE, AND WRANGELL.—
14 Native members of the Native Villages of Haines,
15 Ketchikan, Petersburg, Tenakee, and Wrangell who
16 become shareholders in an Urban Corporation for
17 such a Native Village shall continue to be eligible to
18 receive distributions under this subsection as at-
19 large shareholders of the Regional Corporation for
20 Southeast Alaska.”; and

21 (2) by adding at the end the following:

22 “(s) EFFECT OF AMENDATORY ACT.—The Unrecog-
23 nized Southeast Alaska Native Communities Recognition
24 and Compensation Act and the amendments made by that
25 Act shall not affect—

1 “(1) the ratio for determination of revenue dis-
2 tribution among Native Corporations under this sec-
3 tion; or

4 “(2) the settlement agreement among Regional
5 Corporations or Village Corporations or other provi-
6 sions of subsection (i) or (j).”.

7 **SEC. 6. COMPENSATION.**

8 The Alaska Native Claims Settlement Act (43 U.S.C.
9 1601 et seq.) is amended by adding at the end the fol-
10 lowing:

11 **“SEC. 43. URBAN CORPORATIONS FOR HAINES, KETCHIKAN,**
12 **PETERSBURG, TENAKEE, AND WRANGELL.**

13 “(a) DEFINITION OF URBAN CORPORATION.—In this
14 section, the term ‘Urban Corporation’ means each of the
15 Urban Corporations for Haines, Ketchikan, Petersburg,
16 Tenakee, and Wrangell.

17 “(b) CONVEYANCES OF LAND.—

18 “(1) AUTHORIZATION.—

19 “(A) CONVEYANCES TO URBAN CORPORA-
20 TIONS.—Subject to valid existing rights and
21 paragraphs (3), (4), (5), and (6)(A), not later
22 than **【___】** days after the applicable date of
23 incorporation under section 16(e)(1) of an
24 Urban Corporation, the Secretary shall con-
25 vey—

1 “(i) to the Urban Corporation for
2 Haines, the surface estate in [_____] par-
3 cels of Federal land comprising approxi-
4 mately 23,040 acres, as generally depicted
5 on the map entitled ‘Haines Selections’,
6 numbered [___], and dated [_____
7 ____], 2020;

8 “(ii) to the Urban Corporation for
9 Ketchikan, the surface estate in [_____] parcels of Federal land comprising ap-
10 proximately 23,040 acres, as generally de-
11 picted on the map entitled ‘Ketchikan Se-
12 lections’, numbered [___], and dated
13 [_____
14 ____], 2020;

15 “(iii) to the Urban Corporation for
16 Petersburg, the surface estate in [_____] parcels of Federal land comprising ap-
17 proximately 23,040 acres, as generally de-
18 picted on the map entitled ‘Petersburg Se-
19 lections’, numbered [___], and dated
20 [_____
21 ____], 2020;

22 “(iv) to the Urban Corporation for
23 Tenakee, the surface estate in [_____] par-
24 cels of Federal land comprising approxi-
25 mately 23,040 acres, as generally depicted

1 on the map entitled ‘Tenakee Selections’,
2 numbered [__], and dated [_____
3 ____], 2020; and

4 “(v) to the Urban Corporation for
5 Wrangell, the surface estate in [____]
6 parcels of Federal land comprising ap-
7 proximately 23,040 acres, as generally de-
8 picted on the map entitled ‘Wrangell Selec-
9 tions’, numbered [__], and dated
10 [____ _], 2020.

11 “(B) CONVEYANCES TO REGIONAL COR-
12 PORATION FOR SOUTHEAST ALASKA.—Subject
13 to valid existing rights, on the applicable date
14 on which the surface estate in land is conveyed
15 to an Urban Corporation under subparagraph
16 (A), the Secretary shall convey to the Regional
17 Corporation for Southeast Alaska the sub-
18 surface estate for that land.

19 “(2) WITHDRAWAL.—

20 “(A) IN GENERAL.—Subject to valid exist-
21 ing rights, the Federal land described in para-
22 graph (1) is withdrawn from all forms of—

23 “(i) entry, appropriation, or disposal
24 under the public land laws;

1 “(ii) location, entry, and patent under
2 the mining laws;

3 “(iii) disposition under all laws per-
4 taining to mineral and geothermal leasing
5 or mineral materials; and

6 “(iv) selection under Public Law 85-
7 508 (commonly known as the ‘Alaska
8 Statehood Act’) (48 U.S.C. note prec. 21).

9 “(B) TERMINATION.—The withdrawal
10 under subparagraph (A) shall remain in effect
11 until the date on which the Federal land is con-
12 veyed under paragraph (1).

13 “(3) TREATMENT OF LAND CONVEYED.—Ex-
14 cept as otherwise provided in this section, any land
15 conveyed to an Urban Corporation under paragraph
16 (1)(A) shall be—

17 “(A) considered to be land conveyed by the
18 Secretary under section 16; and

19 “(B) subject to all laws (including regula-
20 tions) applicable to entitlements under section
21 16, including section 907(d) of the Alaska Na-
22 tional Interest Lands Conservation Act (43
23 U.S.C. 1636(d)).

24 “(4) PUBLIC EASEMENTS.—

1 “(A) IN GENERAL.—The interim convey-
2 ance and patents for the land under paragraph
3 (1)(A) shall be subject to the reservation of
4 public easements under section 17(b).

5 “(B) TERMINATION.—No public easement
6 reserved on land conveyed under paragraph
7 (1)(A) shall be terminated without publication
8 of notice of the proposed termination in the
9 Federal Register.

10 “(C) RESERVATION OF EASEMENTS.—In
11 the interim conveyance and patents for the land
12 under paragraph (1)(A), the Secretary shall re-
13 serve the right of the Secretary to amend the
14 conveyance and patents to include reservations
15 of public easements under section 17(b) until
16 the completion of the easement reservation
17 process.

18 “(5) HUNTING, FISHING, AND RECREATION.—

19 “(A) IN GENERAL.—Any land conveyed
20 under paragraph (1)(A) shall remain open and
21 available to subsistence uses, noncommercial
22 recreational hunting and fishing, and other non-
23 commercial recreational uses by the public
24 under applicable law—

1 “(i) without liability on the part of the
2 Urban Corporation, except for willful acts
3 of the Urban Corporation, to any user as
4 a result of the use; and

5 “(ii) subject to—

6 “(I) any reasonable restrictions
7 that may be imposed by the Urban
8 Corporation on the public use—

9 “(aa) to ensure public safe-
10 ty;

11 “(bb) to minimize conflicts
12 between recreational and com-
13 mercial uses;

14 “(cc) to protect cultural re-
15 sources;

16 “(dd) to conduct scientific
17 research; or

18 “(ee) to provide environ-
19 mental protection; and

20 “(II) the condition that the
21 Urban Corporation post on any appli-
22 cable property, in accordance with
23 State law, notices of the restrictions
24 on use.

1 14(g), the Urban Corporation shall
2 issue the holder of the special use au-
3 thorization terminated under sub-
4 clause (I) an authorization to continue
5 the authorized use, subject to the
6 terms and conditions that were in the
7 special use authorization issued by the
8 Forest Service, for—

9 “(aa) the remainder of the
10 term of the authorization; and

11 “(bb) 1 additional consecu-
12 tive 10-year renewal period.

13 “(ii) NOTICE OF COMMERCIAL ACTIVI-
14 TIES.—The Urban Corporation, and any
15 holder of a guiding or outfitting authoriza-
16 tion under this subparagraph, shall have a
17 mutual obligation, subject to the guiding
18 or outfitting authorization, to inform the
19 other party of any commercial activities
20 prior to engaging in the activities on the
21 land conveyed to the Urban Corporation
22 under paragraph (1)(A).

23 “(iii) NEGOTIATION OF NEW
24 TERMS.—Nothing in this paragraph pre-
25 cludes the Urban Corporation and the

1 holder of a guiding or outfitting authoriza-
2 tion from negotiating a new mutually
3 agreeable guiding or outfitting authoriza-
4 tion.

5 “(iv) LIABILITY.—Neither the Urban
6 Corporation nor the United States shall
7 bear any liability, except for willful acts of
8 the Urban Corporation or the United
9 States, regarding the use and occupancy of
10 any land conveyed to the Urban Corpora-
11 tion under paragraph (1)(A), as provided
12 in any outfitting or guiding authorization
13 under this paragraph.

14 “(B) ROADS AND FACILITIES.—Not later
15 than 1 year after the date of the conveyance of
16 land to an Urban Corporation under paragraph
17 (1)(A), the Secretary of Agriculture shall nego-
18 tiate in good faith with the Urban Corporation
19 to develop a binding agreement for—

20 “(i) the use of National Forest Sys-
21 tem roads and related transportation facili-
22 ties by the Urban Corporation; and

23 “(ii) the use of the roads and related
24 transportation facilities of the Urban Cor-
25 poration by the Forest Service.

1 “(C) EFFECT ON OTHER LAWS.—

2 “(i) IN GENERAL.—Nothing in this
3 section delays the duty of the Secretary to
4 convey land to—

5 “(I) the State under Public Law
6 85–508 (commonly known as the
7 ‘Alaska Statehood Act’) (48 U.S.C.
8 note prec. 21); or

9 “(II) a Native Corporation
10 under—

11 “(aa) this Act; or

12 “(bb) the Alaska Land
13 Transfer Acceleration Act (43
14 U.S.C. 1611 note; Public Law
15 108–452).

16 “(ii) CONVEYANCES.—The Secretary
17 shall promptly proceed with the conveyance
18 of all land necessary to fulfill the final en-
19 titlement of all Native Corporations in ac-
20 cordance with—

21 “(I) this Act; and

22 “(II) the Alaska Land Transfer
23 Acceleration Act (43 U.S.C. 1611
24 note; Public Law 108–452).

1 “(iii) FISH AND WILDLIFE.—Nothing
2 in this section enlarges or diminishes the
3 responsibility and authority of the State
4 with respect to the management of fish
5 and wildlife on public land in the State.

6 “(D) MAPS.—

7 “(i) AVAILABILITY.—Each map re-
8 ferred to in paragraph (1)(A) shall be
9 available in the appropriate offices of the
10 Secretary and the Secretary of Agriculture.

11 “(ii) CORRECTIONS.—The Secretary,
12 in consultation with the Secretary of Agri-
13 culture, may make any necessary correc-
14 tion to a clerical or typographical error in
15 a map referred to in paragraph (1)(A).

16 “(c) CONVEYANCE OF ROADS, TRAILS, LOG TRANS-
17 FER FACILITIES, LEASES, AND APPURTENANCES.—The
18 Secretary, without consideration or compensation, shall
19 convey to each Urban Corporation, by quitclaim deed or
20 patent, all right, title, and interest of the United States
21 in all roads, trails, log transfer facilities, leases, and ap-
22 purtenances on or related to the land conveyed to the
23 Urban Corporation under subsection (b)(1)(A).

24 “(d) SETTLEMENT TRUST.—

1 “(1) IN GENERAL.—Each Urban Corporation
2 may establish a settlement trust in accordance with
3 section 39 for the purposes of promoting the health,
4 education, and welfare of the trust beneficiaries, and
5 preserving the Native heritage and culture, of the
6 community of Haines, Ketchikan, Petersburg,
7 Tenakee, or Wrangell, as applicable.

8 “(2) PROCEEDS AND INCOME.—The proceeds
9 and income from the principal of a trust established
10 under paragraph (1) shall—

11 “(A) first be applied to the support of
12 those enrollees, and the descendants of the en-
13 rollees, who are elders or minor children; and

14 “(3) thereafter to the support of all other en-
15 rollees.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to the Secretary
18 \$12,500,000, to be used by the Secretary to provide 5
19 grants in the amount of \$2,500,000 each, to be used only
20 for activities that support the implementation of this sec-
21 tion, including planning and development.”.